



**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
**Monthly Enforcement Report**  
**for actions during November 2019**  
**DISTRIBUTED: December 2, 2019**

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*This report has been prepared to satisfy a statutory obligation under 38 M.R.S. § 349(7) that the Maine Department of Environmental Protection inform the public of certain enforcement resolutions. Please contact Ronald Mongeon at (207) 287-7740 or [ronald.mongeon@maine.gov](mailto:ronald.mongeon@maine.gov) for additional information regarding the activities listed in this report.*

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The following cases were resolved to: achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and/or impose penalties to deter similar actions in the future.

**Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):**

*Land:*

**Town of York, York, Maine.** The Town of York (Town) owns a seawall that is located within the right-of-way of Long Beach Avenue (Site), which is within a coastal sand dune system as defined in the *Natural Resources Protection Act* (NRPA), 38 M.R.S. § 480-B(8), and contains frontal sand dunes, as defined in the *Coastal Sand Dune Rules* (Rules), 06-096 C.M.R. ch. 355, § 3(U). On April 3, 2018 Department staff visited the site with the Town's representative. Staff documented that the Town's contractor was excavating part of the beach in front of a sloped seawall to replace the seawall's footer. The Town representative described a longer-term plan to change the surface of the seawall and the staff requested that the Town submit plans for the seawall changes in order to determine if permitting under the NRPA was required. On May 1, 2018 staff inspected the seawall and documented that work to change the surface of the seawall to a stepped surface had begun. Later that day, the Town submitted plans and the Department informed the Town that the new design was a change in configuration of the existing structure, which would require a permit prior to any additional work being completed. On May 16, 2018, staff inspected the site and observed that construction activities had continued, and the wall had been extended vertically along several hundred linear feet of seawall, all without an approved permit. On June 17, 2018, the Department issued a Notice of Violation to the Town informing it that the activities listed above were being done without a permit, which was a violation of the NRPA. On August 20, 2018, the Town submitted an after-the-fact NRPA permit application, which was accepted for processing on August 24, 2018. On February 11, 2019 the Department sent a letter to the Town informing the Town that approved permits were required for work on the seawall to continue and that work should cease until such permits were approved by the Department. At that time, the staff documented that the Town had continued work on the seawall with approximately 1,823 linear feet of the previously existing seawall being altered. On March 5, 2019, the Attorney General's Office, on behalf of the Department, sent a letter to the Town informing it that permits were required for the proposed construction activities and no further work should be completed until the permits were approved. That day, the Town notified the Department that construction activities had stopped. Between May 1, 2018, when the



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Department first observed construction and alteration of the seawall without a permit, and March 5, 2019, when the Town informed the Department that it had stopped construction activities, the Town had continued construction of the seawall without an approved permit for more than 300 days. By constructing and altering a permanent structure in a coastal sand dune system without first obtaining a permit from the Department, the Town violated the NRPA, 38 M.R.S. § 480-C. To resolve these violations the Town agreed to pay a civil monetary penalty in the amount of seventy-five thousand dollars (\$75,000.00) and install and maintain a sign board or other type of educational kiosk that includes information about the important role of coastal sand dune systems in mitigating sea level rise and storm surges, and the ecological benefits of maintaining native beach vegetation.